

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

TESIA DUREN,  
*Plaintiff,*

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V.

CIVIL NO. 4:24-CV-561-P

WESTLAKE SERVICES LLC,  
*Defendant.*

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**ORDER RECOMMENDING DISMISSAL  
AND RETURNING CASE TO DISTRICT JUDGE**

The above-captioned action is before the Court by notice of removal filed by Defendant. ECF Nos. 1. Plaintiff originally initiated this action on April 15, 2024, by filing an original petition in Justice of the Peace Court No. 7, Tarrant County, Texas. ECF No. 1. On June 20, 2024, the Court ordered Plaintiff to file a form amended complaint on or before July 3, 2024. ECF No. 10. The Court's Order further provided that "**Failure to timely file an amended complaint could result in the dismissal of this case without prejudice for lack of prosecution without further notice.**" (*Id.* (emphasis in original)). As of the date of this order, Plaintiff has wholly failed to comply with the Court's June 20, 2024 order by filing an Amended Complaint. Consequently, the Court **RECOMMENDS** that the above-styled and numbered cause be **DISMISSED** for failing to comply with the Court's order.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED  
FINDINGS, CONCLUSIONS AND RECOMMENDATION  
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's

proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

**ORDER**

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **July 22, 2024**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions, and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED July 8, 2024.



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JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE